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SENATE BILL 922

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Cynthia Nava

AN ACT

REGARDING PUBLIC FINANCES; REVISING MILEAGE REIMBURSEMENT  
RATES FOR PUBLIC OFFICIALS AND EMPLOYEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-8-1 NMSA 1978 (being Laws 1963,  
Chapter 31, Section 1, as amended) is amended to read:

"10-8-1. SHORT TITLE. -- [~~Sections 10-8-1 through 10-8-8~~]  
Chapter 10, Article 8 NMSA 1978 may be cited as the "Per Diem  
and Mileage Act". "

Section 2. Section 10-8-4 NMSA 1978 (being Laws 1963,  
Chapter 31, Section 3, as amended) is amended to read:

"10-8-4. PER DIEM AND MILEAGE RATES--IN LIEU OF  
PAYMENT. --

A. Notwithstanding any other specific law to the  
contrary and except as provided in Subsection I of this

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1 section, every nonsalaried public officer shall receive either  
2 reimbursement pursuant to the provisions of Subsection K or L  
3 of this section or up to ninety-five dollars (\$95.00) per diem  
4 expenses:

5 (1) for each board or committee meeting  
6 attended; or

7 (2) for each day spent in discharge of  
8 official duties for travel within the state but away from  
9 ~~[his]~~ the officer's home.

10 Nonsalaried public officers who travel to attend a board  
11 or committee meeting may elect to be reimbursed per diem under  
12 either Paragraph (1) or (2) of this subsection.

13 B. Every salaried public officer or employee who  
14 is traveling within the state but away from ~~[his]~~ the  
15 officer's or employee's home and ~~[away from his]~~ designated  
16 post of duty on official business shall receive either  
17 reimbursement pursuant to the provisions of Subsection K or L  
18 of this section or:

19 (1) up to eighty-five dollars (\$85.00) per  
20 diem expenses for each day spent in the discharge of ~~[his]~~  
21 official duties for a salaried public officer or employee of a  
22 local public body or state agency. If the secretary finds  
23 that a per diem allowance of eighty-five dollars (\$85.00) is  
24 inadequate for reimbursement of expenses in any municipality  
25 of this state, the secretary may authorize the reimbursement

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1 of per diem for travel to the municipality not to exceed one  
2 hundred thirty-five dollars (\$135); or

3 (2) up to eighty-five dollars (\$85.00) per  
4 diem expenses for each day spent in the discharge of ~~his~~  
5 official duties for a salaried public officer or employee of a  
6 public post-secondary educational institution. If the  
7 governing board finds that a per diem allowance of eighty-five  
8 dollars (\$85.00) is inadequate for reimbursement of expenses  
9 in any municipality of this state, the governing board may  
10 authorize the reimbursement of per diem for travel to the  
11 municipality not to exceed one hundred thirty-five dollars  
12 (\$135).

13 C. Every public officer or employee shall receive  
14 either reimbursement pursuant to the provisions of Subsection  
15 K or L of this section or:

16 (1) for public officers or employees of a  
17 state agency or local public body, up to one hundred fifteen  
18 dollars (\$115) per diem expenses for each day of travel  
19 outside the state on official business. If the secretary  
20 finds that a per diem allowance of one hundred fifteen dollars  
21 (\$115) is inadequate for out-of-state travel to a geographical  
22 area, the secretary may authorize per diem not to exceed two  
23 hundred fifteen dollars (\$215) for out-of-state travel to that  
24 geographical area; provided that the secretary may authorize  
25 per diem for travel to a locality inside or outside the

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1 continental United States for a public officer or employee who  
2 is reimbursed solely from federal funds in accordance with the  
3 rate allowed by the federal government for travel to that  
4 locality. In lieu of per diem, a person trained in the field  
5 of accountancy and performing duties in that field of training  
6 as an employee while assigned for periods exceeding three  
7 weeks per assignment to travel out of state on official  
8 business may receive either reimbursement pursuant to the  
9 provisions of Subsection K of this section or actual expenses  
10 not to exceed two hundred fifteen dollars (\$215) per day.  
11 Expenses shall be substantiated in accordance with rules  
12 promulgated by the department of finance and administration.  
13 The secretary may promulgate rules defining what constitutes  
14 out-of-state travel for purposes of the Per Diem and Mileage  
15 Act; or

16 (2) for public officers or employees of a  
17 public post-secondary educational institution, up to one  
18 hundred fifteen dollars (\$115) per diem expenses for each day  
19 of travel outside the state on official business. If the  
20 governing board finds that a per diem allowance of one hundred  
21 fifteen dollars (\$115) is inadequate for out-of-state travel  
22 to a geographical area, the governing board may authorize per  
23 diem not to exceed two hundred fifteen dollars (\$215) for  
24 out-of-state travel to that geographical area; provided that  
25 the governing board may authorize per diem for travel to a

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1 locality inside or outside the continental United States for a  
2 public officer or employee who is reimbursed solely from  
3 federal funds in accordance with the rate allowed by the  
4 federal government for travel to that locality. Expenses  
5 shall be substantiated in accordance with rules promulgated by  
6 the governing board. The governing board may promulgate rules  
7 defining what constitutes out-of-state travel for purposes of  
8 the Per Diem and Mileage Act.

9 D. Every public officer or employee shall receive  
10 [~~thirty two cents (\$.32) a mile for each mile traveled in a~~  
11 ~~privately owned vehicle or eighty eight cents (\$.88) a mile~~  
12 ~~for each mile traveled in a privately owned airplane]~~ the  
13 internal revenue service standard mileage rate, for privately  
14 owned vehicles and airplanes, for each mile traveled if the  
15 travel is necessary to the discharge of [his] official duties  
16 and if the private conveyance is not a common carrier;  
17 provided, however, that only one person shall receive mileage  
18 for each mile traveled in a single privately owned vehicle or  
19 airplane, except in the case of common carriers, in which case  
20 the person shall receive the cost of the ticket in lieu of the  
21 mileage allowance.

22 E. The per diem and mileage or per diem and cost  
23 of tickets for common carriers paid to salaried public  
24 officers or employees is in lieu of actual expenses for  
25 transportation, lodging and subsistence.

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1 F. In addition to the in-state per diem set forth  
2 in this section, the department of finance and administration,  
3 by rule, may authorize a flat subsistence rate in the amount  
4 set by the legislature in the general appropriation act for  
5 commissioned officers of the New Mexico state police in  
6 accordance with rules promulgated by the department of finance  
7 and administration.

8 G. In lieu of the in-state per diem set in  
9 Subsection B of this section, the department of finance and  
10 administration may, by rule, authorize a flat monthly  
11 subsistence rate for certain employees of the [~~state highway~~  
12 ~~and transportation~~] department of transportation, provided  
13 that the payments made under this subsection shall not exceed  
14 the maximum amount that would be paid under Subsection B of  
15 this section.

16 H. Per diem received by nonsalaried public  
17 officers for travel on official business or in the discharge  
18 of their official duties, other than attending a board or  
19 committee meeting, and per diem received by public officers  
20 and employees for travel on official business shall be  
21 prorated in accordance with rules of the department of finance  
22 and administration or the governing board.

23 I. The provisions of Subsection A of this section  
24 do not apply to payment of per diem expense to a nonsalaried  
25 public official of a municipality for attendance at board or

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1 committee meetings held within the boundaries of the  
2 municipality.

3 J. In addition to any other penalties prescribed  
4 by law for false swearing on an official voucher, it shall be  
5 cause for removal or dismissal from office.

6 K. With prior written approval of the secretary or  
7 the secretary's designee or the local public body, a  
8 nonsalaried public officer of a state agency or local public  
9 body, a salaried public officer of a state agency or local  
10 public body or a salaried employee of a state agency or local  
11 public body is entitled to per diem expenses under this  
12 subsection and shall receive:

13 (1) reimbursement for actual expenses for  
14 lodging; and

15 (2) reimbursement for actual expenses for  
16 meals not to exceed thirty dollars (\$30.00) per day for  
17 in-state travel and forty-five dollars (\$45.00) per day for  
18 out-of-state travel.

19 L. With prior written approval of the governing  
20 board or its designee, a nonsalaried public officer of a  
21 public post-secondary educational institution, a salaried  
22 public officer of a public post-secondary educational  
23 institution or a salaried employee of a public post-secondary  
24 educational institution is entitled to per diem expenses under  
25 this subsection and shall receive:

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1 (1) reimbursement for actual expenses for  
2 lodging; and

3 (2) reimbursement for actual expenses for  
4 meals not to exceed thirty dollars (\$30.00) per day for  
5 in-state travel and forty-five dollars (\$45.00) per day for  
6 out-of-state travel."

7 Section 3. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2007.

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